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August 28, 2014

VIA ECF

Hon. Michael A. Hammer, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Bldg.
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Lisa Fisher v. Hon. Francine A. Schott, J.S.C. et al.
Civil Action No. 13-5549 (ES) (MAH)

Dear Judge Hammer:

As Your Honor is aware, this firm represents defendant the Hon. Francine A. Schott, J.S.C. I am in receipt of Mr. Dwyer's letter to Your Honor of today's date wherein he accuses me of "bullying" him in violation of the Rules of Professional Conduct. I regret that Mr. Dwyer chose to involve the Court in this matter as I disagree with Mr. Dwyer that there has been a breakdown in communication requiring the Court's involvement.

Rather than engage in a "he said, she said" as to Mr. Dwyer's misrepresentations to the court¹, which I do not believe is productive, I remain available to satisfy my obligation to meet and confer with Mr. Dwyer concerning the Santander and JP Morgan Chase Subpoenas and have sent Mr. Dwyer an email advising him that I am available to continue this discussion.

Mr. Dwyer's suggestion that I am attempting to obtain documents from the Subpoenaed banks is also nothing more than an attempt to create an issue where none exists. As I advised the Court and Mr. Dwyer, we would instruct, and have so instructed, the banks not to produce any documents prior to September 3rd. These instructions were given to the banks yesterday immediately following our call with Your Honor and are being confirmed in writing today.

¹ I categorically deny Mr. Dwyer's accusations and his suggestion that my conduct violates the Rules of Professional Conduct. Mr. Dwyer's description of our telephone call is a complete fabrication.



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Further, I do not believe this is a complicated issue requiring a conference with Your Honor. I advised Mr. Dwyer, in writing following our call yesterday, that I would instruct Santander Bank to redact all personal financial information on any responsive documents. Since Mr. Dwyer's objection as articulated to the Court is one of an invasion of privacy – disclosure of personal financial information - such redaction cures that concern.

I also advised Mr. Dwyer, in writing, that I would modify the Subpoena to JP Morgan Chase to limit the request to disclosure of the mortgage documentation specifically from JPMorgan Chase Bank – which is the mortgage lending entity - as suggested by Your Honor on our call yesterday. Because Plaintiff has no standing to object to a third party subpoena unless the subpoena affects a personal interest (here, invasion of privacy of financial information) our suggested modifications, which were made in good faith, cure any possibility that the requested documents will invade the plaintiff's privacy.

I am available for a call or conference with the Court and await Your Honor's instructions.

Respectfully,

GENOVA BURNS GIANTOMASO WEBSTER LLC

/s/ Kathleen Barnett Einhorn

KATHLEEN BARNETT EINHORN

KBE/cr

c: Angelo J. Genova, Esq. (via ECF)
Susan M. Scott, Esq. (via ECF)